IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5476 OF 2005

Shri Raghavji N. Gala & Ors. : Petitioners

V/s.

The Asstt. Registrar, Co-operative Society, 'E' Ward Mumbai & Ors. : Respondents

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Mr.S.P.Kadam for the petitioners.

Mr.C.R.Sonawane, Asstt. Govt. Pleader, for respondent No.1.

Mr.A.S.Desai for respondent No.3.

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CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.

DATE : February 1, 2006.

P.C.

1. The issue pertaining to accounts was referred for mediation. The Mediator has since submitted his report agreeing with the accounts maintained by respondent no.3-society. Once that be the case, the issue insofar as the accounts are concerned is final and cannot be reopened in any proceedings.

2. The learned counsel for the petitioners states that the petitioners have other grounds and have remedy available to them by way of revision. That revision was not preferred as the respondents were not making available to them the accounts and that the petitioners have deposited Rs.7 lakhs with the society. Considering the contention, the petitioners are permitted to withdraw the petition with liberty to prefer a revision application after complying with the requirements of depositing 50% of the amount. The petitioners shall be entitled to adjust Rs.7 lakhs against 50% which has to be deposited. Revisional authority to take note of the same.

3. It is made clear that the issue of veracity of accounts will not be open to be raised before the revisional authority nor the revisional authority shall decide the same as it has become final. It will, however, be open to the revisional authority to go into other grounds which are available to it. It is made clear that the petitioners herein can raise contentions as argued before us that the amount could not have been adjusted against the accounts of other persons. If the revision is filed within four weeks from today and the deposit of 50% is made, the learned counsel appearing on behalf of respondent no.3-society makes a statement that

the petitioners will not raise any objection as to limitation. The statement is accepted.

4. The petition is dismissed as withdrawn with liberty as prayed.

F.I. REBELLO, J.

DR.D.Y.CHANDRACHUD, J.